

Honolulu, Hawaii

MAY 01 2015

RE: S.B. No. 791
S.D. 1
H.D. 2
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 791, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AUTISM SPECTRUM DISORDERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require accident and health or sickness insurers, mutual benefit societies, and health maintenance organizations to provide coverage for autism diagnosis and treatment.

Your Committee on Conference finds that autism spectrum disorder treatments, including applied behavior analysis, are essential and have the potential to change the lives of children with autism. Your Committee on Conference further finds that no child with autism in Hawaii should be denied proper treatment due solely to the cost of the treatment. Requiring this benefit to apply to certain qualified health plans may trigger an obligation to



the State to defray the cost of such coverage in these plans. However, the largest health plan under chapter 432, Hawaii Revised Statutes, and the largest health maintenance organization under chapter 432D, Hawaii Revised Statutes, have agreed that they will not seek reimbursement from the State for providing this coverage. This will ensure that there is coverage for the benefit across all markets without a cost to the State.

Your Committee on Conference has amended this measure by:

- (1) Inserting language that cites this measure as "Luke's Law";
- (2) Specifying that the coverage required by this measure applies to policies issued or renewed after January 1, 2016, and covers the insured and individuals fourteen years of age and under;
- (3) Deleting language that would have allowed the Insurance Commissioner to determine maximum benefits for applied behavioral analysis coverage;
- (4) Specifying that coverage for applied behavioral analysis shall be subject to a maximum benefit of \$25,000 per year for services for children ages thirteen years and under;
- (5) Clarifying that coverage for autism diagnosis and treatment may be subject to copayment, deductible, and coinsurance provisions of a policy that are no less favorable than the copayment, deductible, and coinsurance provisions for substantially all medical services covered by the policy;
- (6) Deleting language that would have required an insurer who requests a review of the medical necessity of a patient's treatment for autism, except for inpatient services, to pay for the review;
- (7) Deleting language that would have required all qualified health plans to provide specific benefits even if the benefits may exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148);
- (8) Clarifying that an individual may be required to undergo repeat evaluation to remain eligible for coverage if a



more recent edition of the Diagnostic and Statistical Manual of Mental Disorders is published after diagnosis;

- (9) Clarifying the definition of "autism" to mean the same as "autism spectrum disorder" as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders;
- (10) Substituting the term "habilitative services" with the term "behavioral health treatment" throughout the measure;
- (11) Inserting a savings clause;
- (12) Inserting an effective date of July 1, 2015; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 791, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 791, S.D. 1, H.D. 2, C.D. 1.

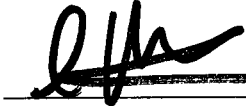
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

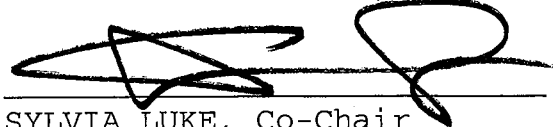
ON THE PART OF THE SENATE




DELLA AU BELATTI, Co-Chair



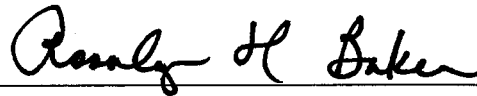
ANGUS L.K. MCKELVEY, Co-Chair



SYLVIA LUKE, Co-Chair



JOSH GREEN, Chair



ROSALYN H. BAKER, Co-Chair



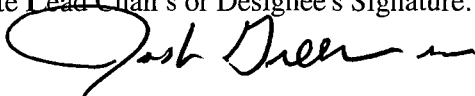

JILL N. TOKUDA, Co-Chair



Hawaii State Legislature

CCR 100

Record of Votes of a
Conference Committee

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|--|---|----------------------------|---|---|---|---|-------------|---|---|
| Bill / Concurrent Resolution No.: SB 791, SD 1, HD 2 | | | | | Date/Time: 5/1/15 9:10 am | | | | |
| <input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD). | | | | | | | | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision. | | | | | | | | | |
| <input checked="" type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | | | | | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. | | | | |
| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
| GREEN, Josh, Chr. | ✓ | | | | BELATTI, Della Au, Co-Chr. | ✓ | | | |
| BAKER, Rosalyn H., Co-Chr. | ✓ | | | | MCKELVEY, Angus L.K., Co-Chr. | ✓ | | | |
| TOKUDA, Jill N., Co-Chr. | ✓ | | | | LUKE, Sylvia, Co-Chr. | ✓ | | | |
| GABBARD, Mike | | | | ✓ | CREAGAN, Richard P. | ✓ | | | |
| WAKAI, Glenn | ✓ | | | | FUKUMOTO CHANG, Beth | ✓ | | | |
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| TOTAL | 4 | 0 | 0 | 1 | TOTAL | 5 | 0 | 0 | 0 |
| A = Aye | | WR = Aye with Reservations | | | N = Nay | | E = Excused | | |
| Senate Recommendation is: | | | | | House Recommendation is: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | | <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Senate Lead Chair's or Designee's Signature: | | | | | House Lead Chair's or Designee's Signature: | | | | |
|  | | | | |  | | | | |
| Distribution: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> Original File with Conference Committee Report </div> <div style="text-align: center;"> Yellow House Clerk's Office </div> <div style="text-align: center;"> Pink Senate Clerk's Office </div> <div style="text-align: center;"> Goldenrod Drafting Agency </div> </div> | | | | | | | | | |